## UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

CIVIL CASE NO. 1:10cv222-RJC

KASEAN DAMONT BRYSON,	)	
Petitioner,	)	
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<b>v.</b>	) 01	RDER
SIDNEY HARKLEROAD,	)	
Respondent.	) )	
	)	

**THIS MATTER** is before the Court pursuant to Petitioner's Motion to Release the 28 U.S.C. § 2254 Habeas Corpus Petition from Abeyance. (Doc. No. 25).

On October 5, 2010, Petitioner filed a Petition for Writ of Habeas Corpus in this Court pursuant to 28 U.S.C. § 2254. (Doc. No. 1). At the same time, he filed a motion to hold his habeas petition in abeyance to give him time to exhaust his claims in state court. (Doc. No. 3). On January 10, 2011, the Court notified Petitioner that his abeyance motion was not signed as required by Rule 11(a) of the Federal Rules of Civil Procedure. (Doc. No. 6). Petitioner was further notified that if he did not resubmit his abeyance motion with an original signature, his motion would be struck. (Id.) In addition to a copy of the aforementioned Order, Petitioner was provided a copy of his unsigned abeyance motion. (Id.)

As of the entrance of this Order, Petitioner has not filed an abeyance motion that comports with the requirements of the Federal Rules of Civil Procedure. <u>See</u> Fed. R. Civ. P. 11(a). Therefore, Petitioner's October 5, 2010 filing titled "Petitioner's Motion to Hold Federal Habeas Proceedings in Abeyance" (Doc. No. 3) shall be struck from the docket. Additionally,

no abeyance having been imposed in this case, Petitioner's instant motion to release his habeas proceedings from abeyance will be dismissed as moot.

IT IS, THEREFORE, ORDERED that the Clerk of Court shall strike Petitioner's October 5, 2010 filing titled "Petitioner's Motion to Hold Federal Habeas Proceedings in Abeyance" (Doc. No. 3).

**IT IS FURTHER ORDERED** that Petitioner's Motion to Release the 28 U.S.C. § 2254 Habeas Corpus Petition from Abeyance (Doc. No. 25) is **DISMISSED** as moot.

Signed: March 7, 2011

Robert J. Conrad, Jr.

Chief United States District Judge